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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,971	03/18/2004	Jen-Ren Yeh	CFP-2417(20040071.ORI)	7860
23595	7590	10/20/2006	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			LHYMN, EUGENE	
			ART UNIT	PAPER NUMBER
			3781	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/804,971

Applicant(s)

YEH, JEN-REN

Examiner

Eugene Lhymn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 1 & 5, it is unclear how the rolled edge extends inwards away from the retroflex connection, whereas it appears that the rolled edge extends inwards, towards said retroflex connection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US 2003/0102315 A1) in view of Hekal (US 5697514). With respect to claims 1 & 5, Cheng discloses the following:

- A metal basket comprising a bottom and a wall attached to the bottom (Fig. 3, items 56 & 62), wherein the wall includes an upper edge and a bent connection extending from the wall to the upper edge (Fig. 10); and a metal frame comprising a vertical portion (Fig. 10, item 54c'), a first horizontal portion (Fig. 10,

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adjacent horizontal portion to 54c'), a bent connection extending from the vertical portion to the first horizontal portion (Fig. 10, item 54d'), a second horizontal portion (Fig. 10, item 54a'), a retroflex connection extending from the first horizontal portion to the second horizontal portion, a rolled edge extending from the second horizontal portion (as shown on rightmost point of 54a'), wherein bent connection of the basket is clamped between the bent connection and the rolled edge of the frame so that the frame is secured to the basket (Fig. 11, showing the assembled configuration)

However, Cheng fails to disclose the rolled edge extending downward and inwards, parallel to the horizontal portion. Nonetheless, Hekal teaches a container and closure wherein the closure has an in-turned seam with a rolled edge that extends downward and inward 72, then upwardly, thereby providing a more secure interface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the frame of Cheng to have a rolled edge that extends downward and inwards, then upwards, in addition to modifying the wire rim to wrap into the rolled edge as taught by Hekal so as to provide a more secure interface.

With respect to claims 3 & 4, Cheng et al. discloses the bottom of the basket being a net and the wall of the basket being a net (Fig. 3).

With respect to claim 6, Hekal discloses the rolled edge having a circular cross section as shown in Fig. 7.

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3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. in view of Nelson (US 1493376). With respect to claim 2, Cheng et al. discloses the claimed invention except for the bottom comprising an edge extending downwards and inwards, and the wall comprises a lower edge extending inwards, upwards and outwards for hooking the edge of the bottom. However, Nelson teaches a metal container wherein the bottom comprises an edge extending downwards and inwards, and the wall comprises a lower edge extending inwards, upwards and outwards for hooking the edge of the bottom, as shown in Fig. 3, thereby providing a modular and convenient means of interfacing the base and walls of a metal container. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bottom of Cheng et al. to have an edge extending downwards and inwards, and the wall comprises a lower edge extending inwards, upwards and outwards for hooking the edge of the bottom, as taught by Nelson so as to provide a modular and convenient means of interfacing the base and walls of a metal container.

#### ***Allowable Subject Matter***

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

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5. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Lhymn whose telephone number is 571-272-8712. The examiner can normally be reached on MTWT 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ANTHONY D. STASHICK  
PRIMARY EXAMINER